

Dear Council,

I request that the agenda item referable to the Integrity Commissioner's Decision be adjourned sine die.

There are numerous – and serious - factual errors in the Integrity Commissioner's report dated October 4, 2024.

Further, I have recently learned that the IC has entirely botched her investigation and purported to find me guilty of matters that were never raised in the actual Complaints against me!

In brief on the “botched investigation” issue:

1. As you know our procedures(attached) require formal complaints to be by way of sworn affidavit and for these formal complaints to be provided within 10 days to the Councillor against which the complaint was made.
2. The IC breached the mandatory requirement in our procedures to provide me with a copy of one of the 2 complaints that was apparently made against me.
3. The Complaint that was not provided to me is Complaint 071624a.
4. The IC sent me 071624b – but not 071264a—on July 19, 2024.
5. Although she says this was an administrative error on her behalf, this led to me (understandably) not knowing that there were 2 formal complaints against me and being confused by the incomplete information the IC had provided me.
6. In more detail, (I only recently learned this), it seems there were two formal complaints by way of affidavit made against me by Councillor ██████ on July 15, 2024.
7. The IC numbered these complaints 071624a and 071624b. I attach these complaints (without the attached emails) to this document.
8. The IC also sent me a number of emails that she said related to another complaint - but I never received a copy of any Complaint document.
9. When I responded to what I had received - Complaint #071624b plus the added emails - I took the position that (as far as I was aware) there was no formal Complaint with respect to the added emails and allegations with respect to those emails ought not be considered.
10. However (and unknown to me) the Commissioner actually had a formal Complaint 071624a and she proceeded to purportedly make a Decision on that Complaint.
11. In her Decision she said that this complaint (which she called “Complaint #1”) contained allegations that I had:
 - made derogatory comments about a matter that was the subject of litigation before the OLT knowing that [Councillor ██████] would be unable to respond;
 - commented himself on the matter before the OLT, denigrating Council's decision-making; and
 - made disparaging comments about a majority of Members of Council.

And proceeded to find me guilty of all three allegations

12. It was only on October 15, 2024 – 91 days after the IC received the Complaint--that I (through my lawyers) got a copy of the actual Complaint 071624a.
13. In reading Complaint 071264a it is clear that it does **not** contain **any** of the three allegations the Decision says it had.

In summary I was not given (what I now know) the IC considered was the major complaint against me – 071264a – and was confused by this.

Further, the IC then purported to find me guilty of three allegations that are not even in Complaint 017264a!

She then used that to support her finding on the other complaint.

Clearly the IC should vacate her Decision and if Councillor [REDACTED] wants to continue to pursue these Complaints, someone other than the present IC needs to be found to do that.

Lastly, I attach

- (i) Emails between my lawyers and the IC;
- (ii) some informal notes on the major fact errors made by the IC – these errors are pretty obvious to a fair minded person

Thank you,

Mario Racco

Mario G. Racco
Notes of Major Facts Error - IC
Accusations by the complainant – Not correct.
18 October 2024

Complaint # 071624a 10,20, 24 Wigwoss-Woodbridge

COMPLAINANT:

All the accusations are a boiler plate. Done via STATEMENT OF FACTS which means that the complainant may be exposed to Prosecution.

1. There was an email, as reported & filed, dated July 5 2024 at 12:11 pm (13/13) from [REDACTED]
2. I responded to [REDACTED] & copied members of staff on July 5 2024 a 3:48 pm (12/13).

Facts:

1. The email did NOT go to:
 - a. Ratepayers Associations
 - b. The Media
 - c. Elected OfficialsIt went to staff on July 5 2024 at 3:48 pm (12/13)
2. Nobody asked the complainant nor anyone else, to respond.
3. There was nothing insulting. The only thing I wrote was. “Any reply?”
4. There was no public response.

INTEGRITY COMMISSIONER – COMPLAINT ALLEGATIONS

In her Decision she said that this complaint (which she called “Complaint #1”) contained the following allegations:

1. Making derogatory comments about a matter that was the subject of litigation before the OLT knowing that the respondent would be unable to respond.

I did nothing that the IC wrote. I responded to one email from [REDACTED] & copied staff that [REDACTED] had copied. The only thing I wrote was, “Any reply?”.

You can see that:

[REDACTED]-5 July 2024 at 12:11 pm; page 13 of 13.

Mario G. Racco – 5 July 2024 at 3:48 pm; page 12 of 13.

2. Commenting himself on the matter before the OLT, denigrating Council’s decision-making.

I did not comment on the application that was before the OLT. There is nothing filed that shows I made nor wrote anything about the OLT relating to 10, 20, 24 Wigwoss-Woodbridge.

3. Making disparaging comments about a majority of Members of Council.

I did not mention any members of Council, therefore I could not have disparaged them.

Clearly this file is confusing.

The complainant wrote anything that was damaging to me without any thought to the fact that she was signing an Affidavit, and the accusations will be evaluated by the Integrity Commissioner at the City and potentially the Province & the Superior Court of Ontario.

Complaint # 071624b - 11875 Steeles Ave. W. – Toronto.

Complainant raised the issues of:

1. I removed the complainant from an email thread.

That is incorrect.

There is no evidence, from the evidence provided by the IC, that I removed the complainant from the email thread when I replied to [REDACTED] on June 25, 2024 at 6:12:14 pm.- page 6 of 15. The email does not show who got copied on my email. Also, there is nothing written on the email that can be considered denigrating.

The other email I sent to [REDACTED] on June 26, 2024 at 10:49:03 am-page 5 of 15, is a new email. [REDACTED]

██████ did not send me an email, so mine was a new one and I can copy whom ever I want.

2. Called ████████████████████ on the same day; June 25, 2024 and discussed the topic at length.

The claim does not make sense. If it is true that ██████ & ████████ spoke at length on the same day of the email on June 25, 2024, then why would ████████ write on the email dated June 28 2024 at 10:23:24 pm- page 14 of 15, “Perhaps if she acknowledged or offered comments it would have indicated she could help or was not too busy”.

Clearly ████████ did not know that she wanted to help. Also, ████████ only once copies ████████ but everybody else including her executive assistant did not copy the complainant. So, why the fuss with me.

3. Unfortunately, the present members of council and the Provincial government are not helping. You should know that.

██████████ and I had number of meetings and emails exchanges for the last 4 years. We had various discussions and were/are aware of the existing legislation and how limited we are to keep the area as we want it to be. We discussed that the province & the municipalities had agreed on certain densities and our

opposition was not going to do much, but we should argue our case to make sure that the result will be better than otherwise. We also discussed how the City of Vaughan had managed the Centre St. & Dufferin area, first by opposing the application, but later settling, against the wishes of the community. That is the reason I said that the present members of council and the provincial government are not helping. It is fair. It does not slander anyone. I did not mention any name.

4. Denigrating comments about the complainant.

Nowhere did I mention the name of the complainant nor anyone else by name. The comments were based on what I said above, #3. It is a fact that the province has legislated higher density anywhere where there is public transportation. The area in question has the TTC service on Steeles Ave. and on Dufferin St. Also, the subway is close. It is a fact that the present policies at the Province, the Region and the City will not help any argument to keep the densities low at Dufferin & Steeles. That is what I said, the facts not a comment to denigrate the complainant.

INTEGRITY COMMISSIONER FINAL DECISION

1. The Integrity Commissioner's conclusion that I removed the complainant from the email thread is incorrect.

I responded to the email from

██████████ on June 25, 2024 at 4:52:43 pm page 2/15

M. G. Racco -June 25, 2024 at 6:12:14 pm page 6/15

I wrote "to make a reasonable decision, I need & I am required to see a staff technical report."

There is no evidence showing that I did not copy the complainant.

If the evidence used is the emails from

MG Racco dated June 26, 2024 at 10:49:03 am- page 5 of 15, then the email is new. ██████████ did not copy me

nor the complainant with his email. I sent one to him because we worked on the file for a few years, and I could not speak on the file until I had a technical staff report.

2. The IC conclusion that I made disparaging comments on the complainant without her knowledge and to ascribe a negative motive to the complainant's lack of action, is incorrect.

I sent an email on June 25, 2024 at 6:12:14 pm- page 6 of 15, to ██████████ and there is no

evidence that I made disparaging comments about the complainant.

I sent an email to [REDACTED] on June 26, 2024 at 10:49:03 am.- page 5 of 15.

The comments that I made are reasonable. They were based on legislation that has been forced by the province to the GTA municipalities. Also, Council's position on applications around Centre St. and Dufferin St. went against the community position, so there have been discussions among [REDACTED] me and others that the community is not getting a fair deal. There is nothing I wrote that showed that the complainant has not acted in the best interest of the community. Also, her name was not mentioned in any communication.

Conclusion:

The conclusions made by the IC are not based on facts, but on a reaction to material provided by the complainant to the IC that was/were:

1. Incorrect.
2. Misleading.
3. Not filed as required by an Affidavit.
4. Not related to the two complaints filed.
5. Intended to confuse the issues.

Complaint Protocol for the Code of Ethical Conduct for Members of Council and Local Boards

Authority: Municipal Act, 2001, S.O. 2001, (as amended) CHAPTER 25 and as adopted by Council at its meeting held on 2009/21/09, Amended 2019/06/12.

1. Until such time as a new/revised Council Code of Ethical Conduct is adopted, only complaints relating to behaviour or activity occurring subsequent to March 1, 2019 will be addressed by this procedure.
2. After December 31, 2008 all complaints must be addressed in accordance with the below captioned procedure within six (6) months of the alleged violation or no action will be taken on the complaint.
3. Defined terms used but not defined in this Complaint Protocol shall have the same meaning as set out in the Code of Ethical Conduct for Members of Council and Local Boards (the "Code of Conduct").

PART A: INFORMAL COMPLAINT PROCEDURE

4. Individuals (including City employees, members of the public, Members of Council or local boards) who identify or witness behaviour or activity by a Member that appears to be in contravention of the Code of Conduct, or sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act ("MCIA") in the case of Council Members, may address the prohibited behaviour or activity themselves as follows:
 - i) Advise the Member that the behaviours or activity appears to contravene the Code of Conduct, or section 5, 5.1 or 5.2 of the MCIA in the case of Council Members;
 - ii) Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
 - iii) Document the incidents including dates, times, locations, other persons present, and any other relevant information. Request that the Integrity Commissioner assist in the informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. If applicable, confirm to the Member your satisfaction with the response of the Member; or, if applicable, advise the Member of your dissatisfaction with the response; and
At the earliest possible juncture, the Member whose behaviour is complained of will be advised of an inquiry to the Integrity Commissioner under the Informal Complaint Procedure, and any complainant will be so advised;
 - iv) Pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

Individuals are encouraged to pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that they believe violates the Code of Conduct. The informal complaint procedure will not apply to complaints against Members in respect of section 5, 5.1 or 5.2 of the MCIA. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint. However, it is not a precondition or a prerequisite that those complaining to pursue the informal complaint procedure prior to pursuing the formal complaint procedure in Part B. The Integrity Commissioner will assess the suitability of the informal complaint process for settlement or resolution on an ongoing basis and may at any time decline to continue participation in the process.

The complainant or the respondent can decline to participate in the informal complaint process at any time. The informal complaint procedure is an informal process, and the Integrity Commissioner will not perform an official investigation nor provide a public report, even if the parties agree to involve the Integrity Commissioner in this informal process.

PART B: FORMAL COMPLAINT PROCEDURE

Formal Complaints

5. Electors and individuals acting in the public interest (including City employees, members of the public, and Members of Council or local boards) who identify or witness behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCI A in the case of Council Members, may file a formal complaint with the required information on the proscribed affidavit (see page 6 of this procedure):
 - i) All complaints must be made on the Complaints Form/Affidavit and shall be dated and signed by an identifiable individual;
 - ii) The complaint must include an explanation for why the issues raised may be a contravention of Code of Conduct or the MCI A. Evidence in support of the allegation must also be included;
 - iii) Witnesses in support of the allegation must be named on the complaint form;
 - iv) The Integrity Commissioner will provide a summary of the complaint to the respondent and to others who may be involved in carrying out this procedure;
 - v) The complaint form/affidavit must include the name of the alleged violator, the provision of the Code of Conduct or MCI A allegedly contravened, facts constituting the alleged contravention, the names for the complainant during normal business hours;
 - vi) Receipt of formal complaints will be acknowledged in writing;
 - vii) If the complaint relates to an alleged violation of sections 5, 5.1, or 5.2 of the MCI A, the complaint must be made within six weeks after the applicant became aware of the alleged contravention. The complainant must also provide a statutory declaration to this effect in their application.

Filing of Complaint and Classification by Integrity Commissioner

6.
 - i) The complaint shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCI A in the case of Council Members, and not covered by other legislation or other Council policies as described in subsection 3. The Integrity Commissioner shall make a decision regarding classification within 30 days of receiving the complaint from the City Clerk.
 - ii) If the complaint is not in the prescribed form, the Integrity Commissioner may defer the classification until a Complaint Form/Affidavit is received.

Not A Violation

- iii) If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCI A in the case of Council Members, or the complaint is covered by other legislation or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter

- a) If the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.

Municipal Conflict of Interest Act

- b) If the complaint on its face is with respect to non-compliance with the Municipal Conflict of Interest Act, save an except sections 5, 5.1, and 5.2, the complainant shall be advised to review the matters with the complainant's own legal counsel.

MFIPPA

- c) If the complaint is more appropriately addressed under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be advised that the matter must be referred to the City Clerk for Access and Privacy Review.

Other Policy Applies

- d) If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

Lack of Jurisdiction

- e) If the complaint is, for any reason not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

Matter Already Pending

- f) If the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, Human Rights complaint or similar process, the Integrity Commissioner may, in his/her sole discretion suspend any investigation pending the result of the other process.
- g) If the Integrity Commissioner has already reviewed and rendered a decision or has investigated the matter subject of the complaint, the complainant will be advised that the matter cannot be further pursued through the Code complaint process

Individual Not Acting in the Public Interest

- h) If the Integrity Commissioner is of the opinion that the individual making the complaint is not acting in the public interest, the complainant shall be so advised, and the Integrity Commissioner shall not conduct an investigation. In assessing whether a complainant is acting in the public interest, the Integrity Commissioner shall consider: (i) whether the complainant is advancing a concern, issue or complaint that involves an issue of importance to some or all citizens of Vaughan rather than a private interest which is mainly of interest to the affected parties; and (ii) whether the complaint is vexatious, frivolous, or unreasonably persistent, as set out in the City of Vaughan's Vexatious and Frivolous Complaints Policy. The Integrity Commissioner may also consider any other relevant facts in assessing whether a complainant is acting in the public interest.

Investigation

- 7. i) Where the Integrity Commissioner determines that an investigation is warranted, he/she will proceed as follows, except where otherwise required by the Public Inquiries Act, 2009, S.O. 2009, c. 33, Sched. 6:
 - a) Give the complaint to the Member whose conduct is in question with a request that a written response to the allegation be provided within ten days; and
 - b.) Give a copy of the response provided to the complainant with a request for a written reply within ten days.
 - ii) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
 - iii) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances or interference, obstruction, delay or retaliation encountered during the investigation.
 - iv) If the Integrity Commissioner is of the opinion that the referral of a matter to him/her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity

Commissioner shall not conduct an investigation, and where this becomes apparent in the course of an investigation, terminate the investigation.

Opportunities for Resolution

8. Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

No Complaint Prior to Election

9. i) Notwithstanding any other provisions of this Protocol, no complaint may be referred to the Integrity Commissioner, or forwarded by the Clerk for review and/or investigation between the regularly scheduled nomination day and voting day in any year in which a regular municipal election will be held.
- ii) If the Commissioner has not completed an inquiry before nomination day for a regular election the Commissioner shall terminate the inquiry on nomination day.
- iii) If an inquiry is terminated in accordance with section 12(ii), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election the person who made the application or the Member or former Member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out.
- iv) Where an inquiry has been terminated, and the complainant or former Member has requested the inquiry be carried out, the Integrity Commissioner shall be permitted to use any information and evidence obtained prior to the termination. If no request is made to carry out the inquiry, no review or investigation shall be made.

Reporting on Code of Conduct Investigations

10. i) The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the receipt of the Complaint Form/Affidavit of the complaint. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties the date the report will be available.
- ii) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement, or recommended corrective action. Where the complaint is not sustained, the Integrity Commissioner shall report to Council the result of the investigation.
11. i) Where the Integrity Commissioner reports to Council that in her or his opinion, there has been a violation of the Code of Conduct, the municipality may impose penalties and remedial actions in accordance with the Municipal Act and the Code of Conduct. The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any respondent unless the respondent has had notice of the basis for the proposed finding and any recommended sanction or remedial action, and an opportunity either in person or in writing to comment on the proposed findings.
- ii) If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act* and the Code of Conduct.
- iii) The Integrity Commissioner shall give a copy of the report to the complainant and the Member whose conduct is concerned.
- iv) Upon receipt of a report, the Clerk shall process the report for the next meeting of Council's Committee of the Whole.

Reporting on MCIA Investigations

12. i) The Integrity Commissioner shall complete his/her investigation into alleged contraventions of sections 5, 5.1, or 5.2 of the MCIA within 180 days after the receipt of the Complaint Form/Affidavit. However, this section does not apply if the investigation is terminated in accordance with section 223.4.1(12) of the Municipal Act.
- ii) If, upon completion of the investigation, the Integrity Commissioner determines that on a balance of probabilities there has been a violation of the MCIA, or is otherwise of the opinion that it is in the City's interest for a judge to determine if there has been a violation of the MCIA, the Integrity Commissioner may apply to a judge for such a determination. For greater certainty, nothing in this Protocol shall prevent a complainant from bringing their own application to a judge for a determination of whether there has been a violation of sections 5, 5.1, or 5.2 of the MCIA.
- iii) Upon completion of the investigation, the Integrity Commissioner shall advise the complainant whether the Commissioner will be making an application to a judge for a determination if there has been a violation of the MCIA. The Integrity Commissioner shall publish written reasons for his/her decision within 90 days of such decision. The Integrity Commissioner shall periodically report to Council on the outcome of his/her investigations of alleged MCIA contraventions.

No Reports Prior to Election

13. Notwithstanding any other provisions of this Protocol, between nomination day and voting day for a regular municipal election, the Integrity Commissioner shall not make any report to Council or to any other person about whether a Member has contravened the Code of Conduct, including sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members.

Duty of Council

14. Council shall consider and respond to the report within 45 days after the day the report is presented to it (this timeline shall be extended as necessary in the case of summer hiatus and festive closure).

Public Disclosure

15. i) The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.
- ii) At the time of the integrity Commissioner's report to Council, and as between the parties, the identity of the Respondent shall not be treated as confidential information.
- iii) All reports from the Integrity Commissioner to Council will be made available to the public.

Fini, Erica

From: Integrity Commissioner <Integrity.Commissioner@vaughan.ca>
Sent: October 17, 2024 1:52 PM
To: Chapman, John; Fini, Erica
Cc: Suzanne Craig; legalspc@raccogroup.com; Chan, Andy; Integrity Commissioner
Subject: RE: [External] Request to have Final Decision Dated Oct 4, 2024 Vacated and Annulled [MTDMS-Legal.FID11907713]

Good day Mr. Chapman:

You indicated that this Office would hear from Ms. Fini today. Once we have received those comments from Ms.Fini, the Office will respond to Ms. Fini's and your emails.

Sincerely,

Suzanne Craig

From: Chapman, John <jchapman@millerthomson.com>
Sent: Wednesday, October 16, 2024 3:48 PM
To: Integrity Commissioner <Integrity.Commissioner@vaughan.ca>; Fini, Erica <efini@millerthomson.com>
Cc: Suzanne Craig <Suzanne.Craig@vaughan.ca>; legalspc@raccogroup.com; Chan, Andy <achan@millerthomson.com>
Subject: RE: [External] Request to have Final Decision Dated Oct 4, 2024 Vacated and Annulled [MTDMS-Legal.FID11907713]

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

As an additional comment, if your complaint 1 is the 071624a complaint I would be obliged to you if you could answer the same questions on it.

JOHN CHAPMAN
Partner

Pronouns: He, Him, His

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View my [web page](#)



From: Chapman, John <jchapman@millertomson.com>

Sent: Wednesday, October 16, 2024 10:30 AM

To: Integrity Commissioner <Integrity.Commissioner@vaughan.ca>; Fini, Erica <efini@millertomson.com>

Cc: Suzanne Craig <Suzanne.Craig@vaughan.ca>; legalspc@raccogroup.com; Chan, Andy <achan@millertomson.com>; Chapman, John <jchapman@millertomson.com>

Subject: RE: [External] Request to have Final Decision Dated Oct 4, 2024 Vacated and Annulled [MTDMS-Legal.FID11907713]

Ms. Fini is engaged today on other matters and will reply tomorrow.

However, I note your decision states:

Complaint #1 alleges that the Respondent did not conduct himself with appropriate decorum in contravention of Rule 15 of the Code, when he responded by email on June 26 and July 5 to resident emails about a development project that was the subject of litigation before the Ontario Land Tribunal (“OLT”). The Respondent copied executives from ratepayer associations throughout the city, elected officials from all levels of government, and various media outlets. The Complainant alleged that in the email, the Respondent:

1. made derogatory comments about a matter that was subject of litigation before the OLT knowing that [Councillor ██████████] would be unable to respond;
2. commented himself on the matter before the OLT, denigrating Council’s decision-making; and
3. made disparaging comments about a majority of Members of Council.

Can you confirm that “Complaint #1” is the Complaint attached to the Notice for 071624b that you provided to us yesterday by email and that this Complaint 071264b was never modified or amended by the Complainant.

If this is in fact the case, we would ask the process that occurred by which your Notice referenced allegations not in Complaint 71624b and by which your Decision dealt with allegations not made in the Complaint.

JOHN CHAPMAN
Partner

Pronouns: He, Him, His

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From: Integrity Commissioner <Integrity.Commissioner@vaughan.ca>
Sent: Tuesday, October 15, 2024 7:11 PM
To: Fini, Erica <efini@millerthomson.com>
Cc: Suzanne Craig <Suzanne.Craig@vaughan.ca>; legalspc@raccogroup.com; Chan, Andy <achan@millerthomson.com>; Chapman, John <jchapman@millerthomson.com>; Integrity Commissioner <Integrity.Commissioner@vaughan.ca>
Subject: [**EXT**] RE: [External] FW: Request to have Final Decision Dated Oct 4, 2024 Vacated and Annulled [MTDMS-Legal.FID11942640]

Good evening, Ms. Fini:

Kindly see attached memorandum on behalf of the Integrity Commissioner, Ms. Craig, with respect to your email below.

Sincerely,

Cathy Passafiume on behalf of –
Suzanne Craig
Integrity Commissioner and Lobbyist Registrar

City of Vaughan | Office of The Integrity Commissioner
2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1

From: Suzanne Craig <Suzanne.Craig@vaughan.ca>
Sent: Tuesday, October 15, 2024 1:32 PM
To: Fini, Erica <efini@millerthomson.com>
Cc: legalspc@raccogroup.com; Chan, Andy <achan@millerthomson.com>; Chapman, John <jchapman@millerthomson.com>; Integrity Commissioner <Integrity.Commissioner@vaughan.ca>; Suzanne Craig <Suzanne.Craig@vaughan.ca>
Subject: RE: [External] FW: Request to have Final Decision Dated Oct 4, 2024 Vacated and Annulled [MTDMS-Legal.FID11942640]

Good afternoon, Ms. Fini:

The Office of the Integrity Commissioner is in receipt of your emails dated October 11, 2024 and October 15, 2024 and will respond at my earliest opportunity.

Sincerely,

Suzanne Craig
Integrity Commissioner and Lobbyist Registrar
905-832-2281 ext. 8301

City of Vaughan | Office of The Integrity Commissioner
2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1

From: Fini, Erica <efini@millerthomson.com>
Sent: Tuesday, October 15, 2024 9:55 AM

To: Suzanne Craig <Suzanne.Craig@vaughan.ca>
Cc: legalspc@raccogroup.com; Chan, Andy <achan@millertomson.com>; Chapman, John <jchapman@millertomson.com>
Subject: [External] FW: Request to have Final Decision Dated Oct 4, 2024 Vacated and Annulled [MTDMS-Legal.FID11942640]

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Dear Commissioner Craig,

I am writing to request a response to our request on October 11, 2024, that you vacate and annul your decision concerning Councillor Racco.

Given the importance of this matter, we would appreciate receiving your reply as soon as possible.

Thank you for your attention, and we look forward to hearing from you.

Best regards,

Erica Fini

ERICA FINI
Articling Student

Pronouns: She, Her, Hers

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efini@millertomson.com



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From: Fini, Erica <efini@millertomson.com>
Sent: Friday, October 11, 2024 3:30 PM
To: Suzanne Craig <Suzanne.Craig@vaughan.ca>
Cc: legalspc@raccogroup.com; Chan, Andy <achan@millertomson.com>; Chapman, John <jchapman@millertomson.com>
Subject: Request to have Final Decision Dated Oct 4, 2024 Vacated and Annulled [MTDMS-Legal.FID11942640]

Dear Commissioner Craig,

We write with respect to the Commissioner's decision dated Oct. 4, 2024.

The decision states that the Commissioner provided Councillor Racco with Notice of the two complaints on July 19, 2024.

This is incorrect.

We attach the material received by him with respect to the “decorum” complaint.

You will see that although certain emails were provided to Councillor Racco you did not at that time (and never did) provide him a copy of any proper Complaint on that issue (which is required to be in an affidavit form).

Mr. Racco previously objected to you proceeding on this matter.

Having failed to follow the mandatory procedural requirements the Commissioner’s decision must be vacated and annulled and your report cannot be provided to Council nor posted on the website.

We reserve the right to comment further on the errors in your decision but raise this as an urgent mater.

Thank you,

ERICA FINI
Articling Student

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DATE: Wednesday, October 15, 2024

TO: Erica Fini, Articling Student, Miller Thomson LLP
Via email: efini@millerthomson.com

FROM: Suzanne Craig, Integrity Commissioner and Lobbyist Registrar

RE: **Formal Code of Conduct Complaint Investigations: Complaints # 071624a and 071624b**

I am in receipt of your correspondence dated October 11, 2024 received in my City of Vaughan inbox at 3:30 pm and October 15, 2024 received in my City of Vaughan inbox at 09:55 am.

I provided Regional Councillor Racco with Notice of the Complaints on July 19, 2024. In my Notice of Complaint Cover Letters, I noted that I was including a copy of the Complaint Form and supporting documentation to the Complaint. Due to an administrative error, I provided the supporting documentation but not the Complaint Form; however, for each Complaint, the content of the Complaint Form was included in the Cover Letter. For your reference, I have attached the Complaint Forms here. In addition, I also attach the Cover Letters that were previously forwarded to your client.

While I regret this technical error, I note that Regional Councillor Racco had notice of the Complaints and an opportunity to respond to the Complaints (which he did). Accordingly, I intend to proceed with this matter.

Sincerely,

Suzanne Craig
Integrity Commissioner and Lobbyist Registrar

/attach

DATE: Friday, July 19, 2024
TO: Regional Councillor Mario G. Racco **via email**
FROM: Suzanne Craig, Integrity Commissioner and Lobbyist Registrar
RE: **Notice of Formal Code of Conduct Complaint Investigation:
Complaint # 071624a**

Please be advised that I am in receipt of a Formal Complaint under Part B of the Code of Conduct Complaint Protocol (the "Complaint Protocol") in which you have been named as the Respondent (the "Respondent").

In particular, I note that the allegations contained in the complaint are with respect to non-compliance with Rules 15 of the Code of Ethical Conduct for Members of Council and Local Boards (the "Code"), which require Members to:

Rule No. 15 - Discreditable Conduct

1. Members shall conduct themselves with appropriate decorum at all times.

I attach the Complaint to this Notice of Formal Complaint Investigation, a copy of the Complaint Form and supporting documentation to the Complaint.

While I require you to review the Complaint and respond to the allegations as set out, I submit that on its face, the Complaint raises the following issues:

- The allegation that you intentionally removed Councillor [REDACTED] from the email thread that was initiated by her resident, on which she was included and that this hampered her ability to do her job as a Member of Council representing and responding to her constituents;
- The allegation that you removed Councillor [REDACTED] from the email thread, the result of which was not only that she would not be able to respond to her constituents, but also that she would not see you disparaging her in your responses in the email thread after you removed her;
- The allegation that Deputy City Manager Xu had advised all Members of Council "please don't comment" and therefore, your comments on the email thread left Councillor [REDACTED] with only two unpalatable options regarding the email thread initiated on July 5th at 12:11 pm :
 - o Option 1: stay silent and not defend her position;
 - o Option 2: Go against the advice and request of the esteem leadership team by responding to both the email chain and the "insulting accusations

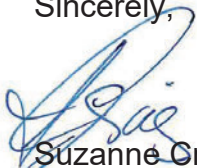
in Regional councillor Racco's public response".

In accordance with section 6 of the Complaint Protocol, I am required to conduct an initial classification to determine if the matter is, on its face a complaint with respect to non-compliance with the Code of Conduct, and not covered by other legislation or other Council policy as described in subsection 3 of the Complaint Protocol.

I have completed my preliminary review and I have decided to proceed with an investigation of this matter as I have determined that the Complaint appears *prima facie*, to be a complaint within the jurisdiction of the Integrity Commissioner and that it appears not to be frivolous, vexatious or made in bad faith. In accordance with section 7.i(a) of the Complaint Protocol, I request that you provide me with a written response to the allegations in the Complaint within ten days on or before July 29th, 2024.

Please be advised that the Integrity Commissioner and every person acting under her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation. Therefore, I respectfully require that you refrain from sharing with others any information about this complaint, including any correspondence to and from this Office, for the duration of the process.

Sincerely,



Suzanne Craig
Integrity Commissioner and Lobbyist Registrar

/ attachment #1 Formal Complaint 071624a

DATE: Friday, July 19, 2024
TO: Regional Councillor Mario G. Racco **via email**
FROM: Suzanne Craig, Integrity Commissioner and Lobbyist Registrar
RE: **Notice of Formal Code of Conduct Complaint Investigation:
Complaint # 071624b**

Please be advised that I am in receipt of a Formal Complaint under Part B of the Code of Conduct Complaint Protocol (the "Complaint Protocol") in which you have been named as the Respondent (the "Respondent").

In particular, I note that the allegations contained in the complaint are with respect to non-compliance with Rules 15 of the Code of Ethical Conduct for Members of Council and Local Boards (the "Code"), which require Members to:

Rule No. 15 - Discreditable Conduct

1. Members shall conduct themselves with appropriate decorum at all times.

I attach the Complaint to this Notice of Formal Complaint Investigation, a copy of the Complaint Form and supporting documentation to the Complaint.

While I require you to review the Complaint and respond to the allegations as set out, I submit that on its face, the Complaint raises the following issues:

- The allegation that you intentionally removed Councillor [REDACTED] from the email thread that was initiated on June 25th at 4:52 pm by a representative of one of the resident groups in [REDACTED] Vaughan which included their group, Councillor [REDACTED] staff [REDACTED] Councillor Christ Ainsworth, Regional Councillor Racco, and his staff Anthony Tersigni, on which she was included and that this hampered her ability to do her job as a Member of Council representing and responding to her constituents;
- The allegation that you removed Councillor [REDACTED] from the email thread and as the email thread continued on June 26th, Councillor [REDACTED] staff continued to be cc'ed and notice she was removed. Without any knowledge of Councillor [REDACTED] lengthy phone call with the author of the email thread, Regional Councillor Racco posted the unfortunate comment "Unfortunately, the present Members of Council & the Provincial Government are not helping. You should know that."
- On June 27th at 7:52 pm the author of the email thread notice that Councillor

██████ was removed the thread and commented “I think he was trying to respond but noticed ██████ and ██████ were on the cc list”. Immediately following Councillor ██████ apparent removal by Regional Councillor Racco, he proceeded to post denigrating comments about Councillor ██████ impugning motive without knowledge that Councillor ██████ had spoken at length with the resident;

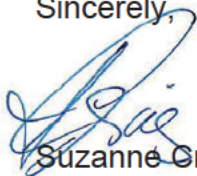
- The allegation that Regional Councillor Racco’s actions were “a deliberate act of malice towards [Councillor ██████], which could conceivably damage [her] personal and professional reputation;
- The allegation that Regional Councillor Racco’s actions are a breach of corporate laws of decorum insofar as both Regional Councillor Racco and Councillor ██████ are also co-directors on the corporate entity of Vaughan Holdings Inc., and the “far-reaching public comments could be seen as damaging to the City’s reputation].

In accordance with section 6 of the Complaint Protocol, I am required to conduct an initial classification to determine if the matter is, on its face a complaint with respect to non-compliance with the Code of Conduct, and not covered by other legislation or other Council policy as described in subsection 3 of the Complaint Protocol.

I have completed my preliminary review and I have decided to proceed with an investigation of this matter as I have determined that the Complaint appears *prima facie*, to be a complaint within the jurisdiction of the Integrity Commissioner and that it appears not to be frivolous, vexatious or made in bad faith. In accordance with section 7.i(a) of the Complaint Protocol, I request that you provide me with a written response to the allegations in the Complaint within ten days on or before July 29th, 2024.

Please be advised that the Integrity Commissioner and every person acting under her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation. Therefore, I respectfully require that you refrain from sharing with others any information about this complaint, including any correspondence to and from this Office, for the duration of the process.

Sincerely,



Suzanne Craig
Integrity Commissioner and Lobbyist Registrar

/attachment #1 – Formal Complaint 071624b

